



**DEPARTMENT OF PERSONNEL**

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**MEMO PERD #43/98**  
December 16, 1998

**PERSONNEL COMMISSION MEETING  
MINUTES OF OCTOBER 1 & 2, 1998**

**I. CALL TO ORDER**

The Personnel Commission was called to order at 9:40 a.m., October 1, 1998, at the Legislative Building, Carson City, and video conferenced to the Grant Sawyer Building, Las Vegas. Members present: Ted Manos, James Skaggs, Victoria Riley, and Claudette Enus. Teo Gamboa arrived at 10:25 a.m. Also present were: Sharon Murphy and Carol Thomas representing the Department of Personnel, and Jim Spencer representing the Attorney General's office.

**II. ADOPTION OF AGENDA**

Item VII(C), Occupational Group Study for Psychology and Social Science would begin after 3:30 p.m., October 1, 1998, to accommodate the appellants.

Commissioner Skagg's motion to approve the agenda was seconded by Commissioner Riley and unanimously approved.

**III. MINUTES OF PREVIOUS MEETING**

The minutes of the June 12, 1998, Personnel Commission Meeting were approved by acclamation.

**IV. REPORT ON REVIEW OF PROCEDURES FOR CONDUCTING HEARINGS  
CONCERNING WHISTLEBLOWER COMPLAINTS**

Jim Spencer, Deputy Attorney General, informed the Commissioners he has spoken with Mr. Dolan, who had proposed a method to review Whistleblower Complaints to screen for frivolous or incomplete complaints. However, because the law requires a hearing officer perform that function, a procedure has been developed requiring

complaints which initiate the Whistleblower process be properly completed on the required form within the ten days set by regulation. Mr. Dolan is convinced this will be the most economical and quickest way to address his concerns.

Chairman Manos asked that a copy of the amended form be supplied to the Personnel Commission with an explanation of the changes, and Mr. Spencer agreed stating the changes would be minimal.

Chairman Manos asked who was initially charged with the responsibility of filling out the form and Mr. Spencer replied the individual filing the complaint has to fill out the form provided by the Department of Personnel. The problem lies with individuals who file a Whistleblower allegation and send in a one-sentence note saying they wanted to file under the Whistleblower law. Under the new procedure, if a one sentence request is received, a note, along with the form, would be sent back immediately instructing the employee to fill out the form completely and file it within ten days. Thus, we are holding the employee to the law which should show some success.

## **V. CLASSIFICATION APPEALS**

### **A. Department of Transportation**

*Jennifer Varelman, Management Assistant III*

Sandra Silva, Personnel Analyst, Department of Personnel, presented the Department's position. This classification study resulted in the determination that significant change had occurred, which was addressed by upgrading the position from a Management Assistant II, grade 25, to a Management Assistant III, grade 27. In her appeal, Ms. Varelman has requested her position be classified as Management Assistant IV, grade 29.

The determination to upgrade Ms. Varelman's position two grades to Management Assistant III was not based solely on desk audits, but also a thorough comparison of the position's duties with the Management Assistant class series, and with other Management Assistants working for the Department of Transportation and throughout State service.

Duties and responsibilities representing significant change include:

1. Responsibility for coordinating conferences, seminars, and workshops sponsored by the Materials Section.
2. Responsibility related to budget monitoring and development.

Ms. Silva concluded that the significant change demonstrated in Ms. Varelman's duties has been recognized with the two grade increase to Management Assistant III. Furthermore, the duties described in both NPD-19 and the appeal are not beyond those typically assigned to Management Assistant III's and they are not comparable to Management Assistant IV class concepts, or to other Management Assistant IV positions at the Department of Transportation or within the State system.

Chairman Manos asked how the position was reclassified in February 1997, and Ms. Silva responded Ms. Varelman submitted an NPD-19, and the Department studied the position. Ms. Varelman is now appealing that the upgrade was not sufficient and she wants to be a Management Assistant IV.

Jennifer Varelman, Management Assistant III, Department of Transportation, addressed the Commission, requesting her position be reclassified as a Management Assistant IV. She indicated she has been charged with performing several duties which require the highest level of responsibility including:

1. Sitting on the steering committees, determining the registration fees and allowable number of participants, determining the number of allowable vendors and fees charged to them, negotiating the convention and banquet agreements with the authority to commit funds, and maintaining the conference bank accounts including authority to authorize expenditures, and preparing promotional materials.
2. Billing for work orders, which is used to separate costs related to contracts, research, and special studies.
3. Preparing and submitting the Materials Division annual training budget request and the annual administrative support budget request.
4. Providing a high level of administrative support to the chief materials engineer.
5. Supervising the clerical staff, including the indirect supervision of a Management Assistant I in the Las Vegas office, and the direct supervision of a Management Assistant I and Word Processing Operator II in the Carson City office.

In summary, Ms. Varelman indicated she works under very limited supervision when performing her duties. She therefore must perform each of her assigned duties with the highest level of independence, judgement, and responsibility. She must be diverse and able to switch from one task to another; provide assistance and answers to the chief as well as the managers, supervisors, and employees.

Dean Wetzel, Chief Materials Engineer, Ms. Varelman's immediate supervisor, addressed the Commission on her behalf clarifying her role in the Materials Division and the size and operation of the division.

Commissioner Riley asked how many budgets the Materials Division submitted. Mr. Wetzel responded the division was divided into sections and the managers in each subdivision prepares an annual budget; Ms. Varelman prepares her budget, and he combines them into one major budget.

At Commissioner Skaggs requests, Ms. Silva compared Ms. Varelman's steering committee, vendor fees, and bank account responsibilities with two Management Assistant II's at UNR. It was clarified that Ms. Varelman's duties are at a higher level than a Management Assistant II and she is allocated to a higher level than the positions at the university.

Commissioner Skaggs asked if Ms. Varelman was part of the decision-making process in the steering committee, or if she acted on their behalf. Ms. Varelman responded she participated in the decision-making process, and she also acted for them when she performed her conference duties. She also helps set the agenda and assists with choosing speakers.

Commissioner Riley asked if determinations were made by vote. Ms. Varelman responded everyone had to agree with the decision, but there was no formalized voting process.

Commissioner Skaggs asked if she were an equal partner. Ms. Varelman responded yes, although she was not at the same level as the members.

Commissioner Skaggs asked if "securing a facility" meant negotiating and who determined the fee for vendor booth space, and if UNR had a similar method for determining vendor fees. Ms. Varelman replied she negotiated rates and determined vendor fees.

Commissioner Skaggs asked if there was a difference in the monetary level on the accounts at UNR and Materials Division. Ms. Silva replied Ms. Varelman handles one very large conference per year, and this year she also had a second large conference, as well as workshops, and she has estimated the duties to be 50 percent of her time. Additionally, the UNR employees handle both large conferences and small workshops. They have more small conferences/workshops than Ms. Varelman, and these duties encompass 100 percent of their time.

Commissioner Riley asked if the UNR personnel negotiated outside contracts. Ms. Silva responded not at the same level as Ms. Varelman. They request bids, and the lowest bid gets the contract; there is no negotiation.

Commissioner Enus stated it appeared the Department of Personnel had recognized the additional duties and responsibilities assigned to the position. Regarding the budget, under the class concepts relative to the description of the involvement of the Management Assistant III and IV, it appears that Ms. Varelman's involvement is minimal because it only concerns the training budget and not the entire division's budget. According to the class concepts, it appears the Management Assistant IV is involved in a much larger aspect of the Division's budget. With respect to the development of personnel policy and procedures, Mr. Wetzel described the position's involvement, but the class concepts clearly spells out that this is a primary responsibility of the Management Assistant III. Regarding independent judgement, the class concepts discusses solidly under the Management Assistant III "persuasion of others from the outside, limited direction and supervision and administration."

Chairman Manos called for a motion.

Commissioner Skaggs motion to reclassify the position to a Management Assistant IV, grade 29, was seconded by Chairman Manos, and approved 3 ayes, 2 nays (Riley and Enus).

**B. Department of Business and Industry, Taxicab Authority**

*John McNulty, Airport Control Officer III*

*Rudolph Silvas, Airport Control Officer II*

*William Vail, Airport Control Officer II*

Mr. McNulty and Mr. Vail, informed the Commission that Mr. Silvas was not available due to a medical situation, but expressed to his fellow members to continue with the appeal process. Mr. McNulty would be the primary spokesperson, and Linda Corbelle, State of Nevada Employees Association, was also present on the appellants' behalf.

Linda Corbelle, State of Nevada Employees Association, spoke on behalf of the appellants who were appealing the retroactive date of their upgrade and made the following points:

1. These officers have done everything possible since 1995 to comply with P.O.S.T. certification as well as upgrade their positions.
2. Since 1995, their efforts have been filled with administrative delays and errors.
3. NAC 284.126 was revised, yet the process these officers went through began well before that time, and it is believed the regulation should not affect these officers.

4. The Department of Personnel has indicated the employees received a one-grade special adjustment to salary for the period from January 23, 1997, to January 22, 1998, in recognition of the higher level duties, yet the officers have informed her they have not received the money to date.

John McNulty, Airport Control Officer III, Taxicab Authority, Department of Business and Industry, explained he was appealing the retroactive date of the reclassification based on the fact that he and the other officers submitted the paperwork to P.O.S.T. in September 1995, to take the Nevada P.O.S.T. test. In June 1996, one officer received approval to take the test, but Mr. McNulty and the other appellants did not.

Although other officers were allowed to attend Category II P.O.S.T. training, take the test, and become certified, the appellants were denied this opportunity. Finally, on March 10, 1998, the appellants were granted permission to take the P.O.S.T. certification test which they passed on March 26, 1998.

In addition, the first NPD-19's which were submitted to the Budget Division in August 1996, were lost and were resubmitted to the Department of Personnel.

Chairman Manos asked if all the reclassified positions, including the appellants, were retroactive back to the time of P.O.S.T. certification. Mr. McNulty responded affirmatively.

In response to Chairman Manos' inquiry, Mary Day, Supervisory Personnel Analyst, Department of Personnel, explained the five percent salary adjustment was granted in recognition of the higher level duties that were being performed prior to the individuals meeting the minimum qualifications. Ms. Day added prior to an individual meeting the minimum qualifications for the higher level class, the Department could not move them into the higher level position.

Chairman Manos stated the Department and Commission are precluded from granting relief from the appellants because they did not pass P.O.S.T. certification until March 1998. Mr. Spencer concurred with the statement and explained the P.O.S.T. standards were in place for public safety purposes and he did not believe those standards could be waived.

Commissioner Enus asked if it was strictly within the authority of the Taxicab Authority to administer the P.O.S.T. Ms. Day responded in the affirmative. Commissioner Enus then concurred with the Chairman that the Commission did not have standing to move further on the matter.

Commissioner Riley stated she agreed the Commission did not have jurisdiction, and asked if the appellant's had recourse in another appropriate arena to resolve their

complaint. Mr. Spencer responded if they had filed a timely grievance, the adjustment might have been granted. The fact that there might be age issue does not mean it is an age discrimination act issue; however, the issue may be pursued through legal counsel and/or the Equal Rights Commission.

Chairman Manos called for a motion.

Commissioner Enus' motion to deny the appeal based on the lack of jurisdiction was seconded by Commissioner Skaggs and unanimously approved.

Sharon Murphy, Director of the Department of Personnel, informed Mr. McNulty of her concern regarding the appellant's failure to receive the five percent retroactive increase, and assured them a staff member from the Department of Personnel would contact their agency to ensure the necessary paperwork is processed.

#### **VI. STATE OF NEVADA EMPLOYEES ASSOCIATION APPEAL**

##### ***Method of Designating Equipment Mechanic Positions for Reclassification***

Alison Reardon, Employee Representative for the State of Nevada Employee's Association, Local 4041, explained she was appealing a proposed classification in the Department of Transportation, Reno Equipment Division. During the June 12, 1998, Personnel Commission hearing, the Commission determined they did not have jurisdiction because there was a pending grievance to be heard by the Employee Management Committee. That remedy had been exhausted, and she was confused regarding the appropriate venue to resolve the matter.

In February 1997, the Department of Transportation's Reno Equipment Division posted a notice creating two lead positions, and asked the employees for volunteers to assume additional duties without an increase in compensation. A number of employees volunteered, and two employees were selected and assigned the additional duties. Shortly thereafter they submitted NPD-19's and in the interim were granted a one-grade pay increase for the additional duties.

Ms. Reardon stated this was an attempt to preselect and avoid or ignore the regulations required under recruitment and examination, promotional opportunities, and classification.

Ms. Reardon asked who in the State enforced regulations which have been approved by the Personnel Commission. Mr. Spencer's memo to the Personnel Commission states it is not within the Department of Personnel's authority to police other agencies, but if that is the case, why do the regulations exist? The State of Nevada Employees Association objects to the fact that the Department of Personnel issues these regulations which provide for a merit system and fair treatment of employees, but the departments

do not have to follow them. She asked the Commission to uphold this appeal, that the classification violated regulations and should not have taken place.

Chairman Manos indicated the State of Nevada Employees Association's point was well taken; if the Commission did not make determinations concerning classifications and the proper enforcement of regulations, then who does? The Employee Management Committee is in a position to handle grievances, where as the Personnel Commission handles appeals of specific reclassification issues. Should the Personnel Commission allow the decision of the Employee Management Committee to stand on a matter that violates our regulations, or issue an opinion regarding the impropriety of the actions of Department of Transportation? Also, if the Commission were to make a decision or an opinion concerning the impropriety of the actions of the Department of Transportation, what further action could be taken?

Mr. Spencer explained it was a straightforward issue complicated by the cross-filings of the State of Nevada Employees Association, both with the Employee Management Committee and the Personnel Commission. The issue is about the assignment of duties by a department head, and not reclassification. This Commission has to stay within its jurisdictional bounds, and it is limited to determining appeals of effected employees under the law. The Commission cannot give an advisory opinion because it does not have jurisdiction to review the matter. Had Ms. Reardon gone to the Employee Management Committee in February 1997, there would not have been a reclassification issue. Since she disagrees with their decision, her recourse is to file an appeal.

Ms. Reardon stated she believed the affected employees are the shop equipment employees who were allowed to put their names on the list. The department did not follow its own procedures in terms of internal examination and promotional opportunities. The recruitment was only posted in the Reno shop, and the regulations require the posting be given to any of the qualified employees. There was no geographical determination in the posting; therefore, statewide mechanics were not given an opportunity to be assigned the additional duties. If you subscribe to Mr. Spencer's opinion that the employer has the authority over assignment of duties, then it should have been done under a temporary classification. There is nothing in the regulations allowing a supervisor in an individual shop to post a notice for volunteers.

Ms. Reardon also disagreed with Mr. Spencer's interpretation of the Commission's authority, because it oversees the Department of Personnel and it is the Commission's responsibility to ensure the adopted regulations are being followed. In other states where similar personnel commissions hear these kinds of disputes, they assert that jurisdiction. She offered to take the matter before the Hearings Officer, do a full evidentiary hearing, and ask the Hearings Officer to report back to the Commission with a recommendation.

For the record, Chairman Manos indicated he was inclined to agree with Ms. Reardon regarding the authority the Commission should assert in enforcing its own regulations.

Wayne Teglia, Equipment Division Head, Department of Transportation, informed the Commission there has not been a violation of regulations. In late 1996, the Equipment Division's employees in Sparks were concerned that there was no opportunity for advancement from the top level equipment mechanic to a supervisory level. A gap existed between the Senior Mechanic and the Supervisor I position. The employees asked the division to consider evaluating and possibly creating a mid-level supervisory position. Because of recent reclassification of the mid-level supervisors to higher level positions, the department was concerned the ratio of employees to supervisors was 13 to 1, which was too high.

Mr. Teglia stressed the division was not recruiting for an existing vacant position. The notice was posted to see if anyone was willing to assume additional duties, with no guarantee of a pay increase, for an evaluation period. This process was explained to all the mechanics and garage services workers who were affected. The supervisors and foremen from the shop interviewed and selected the two people based upon experience, motivation, and overall abilities to assume the additional duties. It was explained to all concerned that Mr. Teglia intended to evaluate the results over a period of six months. At the end of the evaluation, Mr. Teglia, supervisors, and foremen were convinced the experiment worked well and the work output was increasing. All shop employees unanimously agreed it was a good program, and wanted the mid-level supervisory positions created.

Mr. Teglia concluded departments had to have an opportunity to address and correct problems identified within their operations as long as they remain within the law of the policies and regulations of the State.

Chairman Manos indicated the Commission has always believed the department heads should have as much leeway as possible to run their agencies appropriately.

Mr. Spencer pointed out Ms. Reardon's statement that the Department of Personnel was supervised by the Personnel Commission was inaccurate. The Personnel Commission reviews decisions of the Department of Personnel regarding classification. Regarding the enforcement of regulations and the intimation that this Commission should be an enforcement authority, there is currently an enforcement authority in the Employee Management Committee in that a grievance is specifically defined as any dispute over the interpretation of a regulation. Ms. Reardon also asked the Commission to refer this matter to the Hearings Officer; however, the Hearings Officer has, by statute, jurisdictional bounds to hear appeals of property deprivation, suspensions, demotions, terminations, or transfers for harassment purposes. Finally, on the effected employee issue, the effected employee is one who is effected by the

decision of the Department of Personnel. The only people who were effected in this matter were the two employees who were reclassified by the Department of Personnel through the NPD-19 process.

Ms. Reardon said the employees were lead to believe that the experiment was just a test, and if successful there would be a recruitment process. She reiterated the regulations have been violated and further approval was not obtained from the Budget Division before assigning duties.

Mr. Teglia stated the division did not recruit for vacant positions, rather, they were evaluating assigned duties for the purposes of reclassifying those positions. It would have been unfair not to reclassify the two employees after six months of performing at a higher level.

Commissioner Enus concurred that the Employee Management Committee, not Personnel Commission, had jurisdiction. She suggested writing the chairman and counsel of the Employee Management Committee regarding jurisdiction over the interpretation of regulations. Commissioners Enus and Gamboa both suggested district court determine which body has jurisdiction.

Commission Riley stated she agreed the Commission did not have jurisdiction, but was uncomfortable with the fact that after two hearings, no one had jurisdiction over the matter.

Commissioner Gamboa's motion to deny the appeal on the grounds the Personnel Commission does not have jurisdiction was seconded by Commissioner Skaggs and unanimously approved.

## **VII. OCCUPATIONAL GROUP STUDIES**

### ***A. Activities Therapy Subgroup***

Chairman Manos stated it was the recommendation of the Department of Personnel that the Occupational Group Study Activities Therapy Subgroup be approved effective July 1, 1999, as proposed by the Commission pending approval by the legislature. No appeals were filed.

Commissioner Gamboa's motion to approve the Occupational Group Study Activities Therapy Subgroup was seconded by Commissioner Skaggs, and unanimously approved.

***B. Custodial & Domestic Services Subgroup***

Chairman Manos stated the Department of Personnel recommends the approval of the Occupational Group Study of the Custodial and Domestic Services classes be approved effective July 1, 1999, pending final approval of the Legislature. It is the recommendation of the Department of Personnel that custodial positions be studied in a different class in upcoming occupational studies. There were two appeals filed.

Mary Day, Classification Supervisor in the Technical Services Division of the Department of Personnel presented an overview of the study.

Ms. Day recommended studying the custodian class with the Mechanical and Construction Trades group because that was where they are currently located. They are in that occupational group, but historically they have been studied with the domestic services group which is called Custodial and Domestic Services Group. However, the custodians align themselves with maintenance types of positions, frequently are promoted into the semi-skilled trades areas, and move into the more skilled positions. Therefore, the Department recommends changing the title of the group currently under discussion to Domestic Services.

Commissioner Skaggs' motion to include Custodial Supervisor and Custodial Worker positions with the Mechanical and Trades group in future occupational studies was seconded by Commissioner Enus, and unanimously approved.

Commissioner Gamoba's motion to approve the Custodial and Domestic Services Occupational Study reserving determination on the two appeals to be heard and, because of concerns raised regarding the appropriate allocation of the position at the University, reserved approval of the class concepts and minimum qualifications for Food Services Manager positions until the appeals are heard. The motion was seconded by Commissioner Skaggs and unanimously approved.

**APPEAL 1 - CUSTODIAL & DOMESTIC SERVICES**

***Dale Shiganaga, Food Services Manager I  
Community College of Southern Nevada***

Dale Shiganaga, Food Services Manager I, Community College of Southern Nevada, presented his appeal to the Personnel Commission, requesting reclassification to Food Services Manager II. He compared his duties to those of the Food Services Manager II, and described his duties at the college, and the sizes of the 10 kitchens.

Chairman Manos asked Mr. Shiganaga to explain what he did in his position to instruct students. Mr. Shiganaga responded he did not instruct; rather, he was the food manager and assisted the instructors and students as needed in the lab setting by

checking the instructor's order forms, and ensuring the kitchens are clean as required by the State. He also ensured the afternoon and evening classes are adequately staffed.

Chairman Manos asked if his position was to run the food service facilities for the students in a general atmosphere and additionally assist instructors. Mr. Shiganaga responded yes, but the instructional restaurant-lab serving meals to customers is only a training class for students. As an instructional facility, he does not cook or serve the public, he assists the instructors ensuring food products are at their stations for class, the kitchens are set up with the proper equipment, and the proper amounts of food and supplies are ordered. He schedules the work staff, ensures the products are fresh, and assists instructors with 18 to 20 students per class.

Commissioner Gamboa asked if he assisted, observed, or taught the students and what percentage of time was spend on instruction. Mr. Shiganaga said he may demonstrate proper procedures in handling utensils and food preparation. He spends 40 to 60 percent in the class rooms because the classes were scheduled throughout the day, and there were several classes scheduled at the same time, so he assists in all the classrooms.

In making his presentation, Tewolde Habtemicael stated that based on the position audit and the position questionnaire, Mr. Shiganaga spends 40 percent of the time planning, supervising, and coordinating the five kitchens. He supervises a staff of three kitchen workers and coordinates with faculty on equipment and food requirements for each kitchen.

His position requires knowledge of food service and operation of kitchen equipment and the incumbent must have knowledge of food services. Mr. Shiganaga's position was reclassified from grade 31 to grade 32.

In comparison, the Food Service Manager II, grade 34, supervises more employees, administers larger budgets, and supervises 40 to 60 employees and inmates. The consequence of error at the Food Service Manager II is stronger than Mr. Shiganaga's position, which is why his position was recommended to be allocated at the I level.

Regarding the merger of the current Correctional Food Services Manager I, II, and III and the Food Service Manager I and II, Commissioner Enus asked if there were any incumbents besides the appellant in a non-correctional setting. Mr. Habtemicael responded there was one each at the Youth Training Centers in Elko and Caliente, both of which were youth correctional facilities. These two positions were also reclassified from grade 31 to grade 32 based on the revised classification.

Commissioner Skaggs motion to deny the appeal was seconded by Commissioner Gamboa and unanimously approved.

**APPEAL 2 - CUSTODIAL & DOMESTIC SERVICES**

*Michael Bradley, Institutional Food Services Manager II  
Nevada State Prison*

Michael Bradley, Institutional Food Service Manager II, grade 34, Nevada State Prison, presented his appeal to be reclassified to Food Services Manager III, grade 36. He based his appeal on the class concepts and minimum qualifications. At the III level, incumbents must exercise a higher level management skill in coordinating the work of a greater number of employees and inmates, and manning a more complex facility including a bakery, and preparing and monitoring a larger budget.

He has been managing the Nevada State Prison since 1994, supervising three correctional shift supervisors; however, the people currently classified at grade 36, with the exception of the Ely institution, are also supervising three correctional shift supervisors. He also supervises two sergeants, a gun cage officer, two correctional officers, and at time correctional lieutenants.

Presenting copies of his payroll, Mr. Bradley explained he supervised 106 inmates on one shift, and 36 inmates on the other. He explained the reason he believed his position was just as complex as the other level III's is because he supervises more inmates, the population at the prison at the time of his appeal was 985 inmates, and he trained employees who are reassigned to newer facilities with better equipment and are now classified at grade 36.

Tewolde Habtemicael presented the Department of Personnel's position. There are eight prisons and two youth training centers within the State system, with inmate populations ranging from 1,100 to 1,450. In terms of the number of inmates working in the food service facilities, it is directly proportional to the inmate population and is measured in terms of full-time equivalencies.

The class concepts were developed in conjunction with staff members from the Department of Prison's Directors Office and Associate Wardens from Nevada State Prison and the Northern Nevada Correctional Center.

Chairman Manos asked if Mr. Bradley had 1,000 inmates and a \$1 million budget would he be a level III and Mr. Habtemicael responded affirmatively. Mr. Bradley and Mr. Habtemicael also responded to a number of questions regarding age of the facilities and numbers of inmates supervised.

Chairman Manos asked how many maximum security facilities were within the State system. Mr. Bradley replied Ely was maximum, and the Nevada State Prison was a multi-level facility, and is the only other facility that houses maximum security up to death row inmates. The Nevada State Prison is the only facility to execute prisoners.

Commissioner Riley asked if there was a maximum capacity at the Nevada State Prison. Mr. Bradley responded under the Phillips Agreement the maximum capacity was 734, and the culinary is designed to feed 450 inmates. They are no longer under the constraints of the Phillips Agreement and can house more inmates. The maximum emergency capacity is approximately 950 to 1,000.

Commissioner Gamboa stated Mr. Bradley was more closely aligned with the Food Services Manager III in terms of the number of inmates, classified employees he supervised, and the credibility of his testimony.

Commissioner Gamboa's motion to grant the appeal and reclassify the appellant to Food Services Manager III, grade 36, was seconded by Commissioner Skaggs and unanimously approved.

The Personnel Commission adjourned for lunch at 1:25 p.m., and reconvened at 2:34 p.m.

Chairman Manos explained that prior to the Custodial and Domestic appeals, the Commission had passed the recommendations made by the Department of Personnel reserving the class specifications and minimum qualifications for the Food Services Manager categories, and called for a motion.

Commissioner Riley's motion to approve the class specifications and minimum qualifications for the Food Services Manager classes was seconded by Commissioner Skaggs and unanimously approved.

Chairman Manos changed the order of the agenda and hear item VII-D, Laboratory Services Subgroup before VII-C.

### *C. Laboratory Services Subgroup*

Chairman Manos stated it was the recommendation of the Department of Personnel that the occupational group study of the Laboratory Services subgroup be approved effective July 1, 1999, pending final approval of the Legislature.

Dr. Christopher Mason, Chemist IV, Chemistry Section Chief, in the Division of Agriculture, presented appeals for himself, Debra Wadsworth-Furrie, Sharryn Cohen, Christopher Ritland, and Arturo Melkessetian. They believe the study is flawed to the point it impairs their agency mission, and should be re-examined.

Dr. Mason also indicated their appeals were denied based on the changed description which they had never seen and qualifications for the journey level which were inappropriately lowered.

Commissioner Gamboa asked if Dr. Mason was dissatisfied with the recommended grade for his position. Dr. Mason responded affirmatively, adding it was inherent to adjust everyone's position to their satisfaction.

Dr. Mason responded there were two things desired. The entire study should be abandoned or reviewed again. If the study would not be redone, Dr. Mason requested reclassification one step above their current standing.

Dr. Mason did not feel the Department of Personnel was qualified to set the grade level of new hires in his organization. Also, regarding the alignment of job titles, there is no correlation between the Chemists and Agriculturalists.

Commissioner Gamboa asked Dr. Mason how he would change the alignment of the Laboratory Services Chart. Dr. Mason proposed the Chemist II be reclassified to grade 35, Chemist III to grade 37.

Dr. Mason then commented on the specific positions held by the appellants.

Chairman Manos asked if Dr. Mason was classified as a Laboratory Supervisor prior to the study and requested clarification of his duties. Dr. Mason explained he was not classified as a Laboratory Supervisor, but he performed the duties described in the class specification for that position, which was subsequently eliminated by the study.

Dr. Mason compared his position to that of a Regional Supervisor, grade 39, located in the Division of Agriculture's Las Vegas office. The Regional Supervisor's did not have any responsibilities for single programs. They supervise the same number of people, and Dr. Mason is responsible for three laboratory's, including Las Vegas indirectly.

Tewolde Habtemicael addressed the Commission regarding the study process. In developing the class specifications, he met with subject matter experts including Dr. Mason, the Department of Transportation laboratory chief, and the State Health Laboratory's chief. In developing the class specifications, a long process of validation was conducted in order to arrive at the minimum qualifications required for each level. The levels were defined and the kind of education and experience required for each task was determined. At every stage, copies and faxes were exchanged to ensure we were on the same wavelength, relying on the chemists input regarding the technical aspects of their positions to develop the class specification.

There are three Senior Chemists located at the Department of Transportation, the Division of Agriculture, and the State Health Laboratory. The journey level was upgraded from grade 32 to grade 33 because of the increase in complexity of work and development of technology and Chemist IV, grade 37, was created to recognize the

managerial and supervisor responsibility for overseeing a laboratory. The same changes apply to the Microbiologist series.

The Division of Agriculture has a petroleum laboratory run by Debra Furrie, and a pesticide laboratory run by Chris Ritland, and they both supervise one employee and report to Dr. Mason. The State Health Laboratory has one grade 37 position responsible for the operation of the chemist laboratory, whether it be soil, water, river sediments, blood, and so on. There are a total of seven chemists, one Chemist IV, one Chemist III, grade 35, and five journey-level Chemist II's, grade 33 at the State Health Laboratory.

Therefore, we compared the duties and responsibilities relative to chemical analyses and the level of impact in terms of consequence of error, actions taken, and decisions made. We believe our recommendation is fair and equitable based on comparisons to the other positions at the State Health Laboratories where there are 13 chemists and microbiologists who would be impacted by the Commission's decision.

Chairman Manos asked what parts of the class specifications Dr. Mason wanted to change. Dr. Mason responded another class should be added to the specification because originally the trainee position was abolished and then combined it with the Chemist I.

Chairman Manos asked if the new specification would make it more difficult to recruit and train personnel. There was additional discussion regarding recruitment, minimum qualifications and the validation process.

In response to questions by the Commissioners and concerns raised by the appellants, additional discussion followed regarding minimum qualifications and class concepts.

Through these discussions, the Department of Personnel offered to meet again with subject matter experts and revise the minimum qualifications. Dr. Mason also indicated the advanced journey level should not be restricted to supervision, but also recognize independence.

Robert Gronowski, Bureau Chief of Plant Industry, Division of Agriculture, testified that the bureau's mission is to protect all the citizens of the State of Nevada. In order to do that in this particular field, he had to have chemists who had the most knowledge, the most experience, the most thinking ability that we can have. He explained the agency's mission and the importance of well trained staff.

Chairman Manos stated he recognized there was a two-fold appeal, to either upgrade the positions or resolve the minimum qualifications, and asked Dr. Mason if he would agree to having the Department of Personnel re-examine the minimum qualifications

and bring that before the Commission at a later time for resolution. Dr. Mason responded affirmatively.

Debra Furrie, Senior State Petroleum Chemist, Division of Agriculture, indicated she disagreed with the class concepts, in that they prevented her from becoming a Chemist IV, even though she performs all duties and responsibilities in the new class specification. Ms. Furrie also mentioned the salary survey's and felt the Department is authorized and required to look at it and should consider the salaries.

Ronald Burke, Senior Chemist, at the Department of Transportation, stated the Department of Transportation disagreed with the allocation of their chemists into the chemist series. The NDOT chemists, aside from having statewide responsibilities, are also called upon to make engineering decisions which effect the entire State of Nevada.

Commissioner Enus commented on the discrepancy regarding whether the class concepts accurately describe and explain the minimum qualifications. She did not believe the Commission had enough information to proceed with the occupational study, and moved to table the study and ask the Department of Personnel to review the minimum qualifications with all three departments and report back to the Commission.

Commissioner Enus's motion to table the occupational study was seconded by Commissioner Riley, and was approved. Commissioner Skaggs voted no.

Chairman Manos asked the Department of Personnel to try and resolve the issue regarding the class specifications and report back to the Commission at the next Personnel Commission meeting for approval of the occupational study. If the appeals were not resolved at that time, they could be heard.

#### ***D. Psychology and Social Science Subgroup***

It is the recommendation of the Department of Personnel that the occupational group study of the Psychology and Social Science classes be approved effective July 1, 1999, pending final approval of the Legislature.

Mary Day presented an overview of the occupational study, stating it held the most controversial issues the Commission would hear. In this study, the alignment of the journey level professionals at grade 35 were maintained. Included in that level were Psychologist I, the unlicensed series, Mental Health Counselor, Clinical Social Worker, and Developmental Specialist.

The largest issue is in regard to the grade level of Licensed and Unlicensed Psychologists. Within State service, there are individuals who, because they work for a public agency, are not required to be licensed by the Board of Psychological Examiners.

Commissioner Enus asked what the demographics were for the unlicensed Psychologists. Alys Dobel, Personnel Officer, Department of Prisons, replied there were 34 positions, were primarily within the Department of Prisons.

Ms. Day explained the traditional and historical grade alignments have been maintained for the two series, and in the absence of any significant change, it is felt the grade alignments are still appropriate. The Licensed Psychologist series were retitled to clearly identify the fact that incumbents are required to be licensed, and to broaden the class allowing other agencies to use the series.

The Department has determined that there has been little change in the Mental Health Counselor series, and we recommend the grade 41 level be maintained. Although these individuals are not required to be licensed as psychologists, they are required to be licensed and their minimum qualifications are equivalent to the Psychologist III and the Licensed Psychologist I.

Chairman Manos asked if the individuals were employed primarily in Mental Hygiene/Mental Retardation. Ms. Dobel replied some were also employed at the Division of Child and Family Services.

Commissioner Riley asked what the demographics were for these three categories. Ms. Dobel estimated there were 50 Licensed Psychologists. Regarding the unlicensed psychologists, she clarified that those positions were used in the Department of Prisons as well as Jean Hanna Clark in Las Vegas, the Health Division, and the Department of Employment, Training and Rehabilitation. There were approximately 150 employees in the Mental Health Counselor series.

Chairman Manos noted there were more unlicensed Psychologists than licensed in State government, and asked how many level I's and II's were in the unlicensed psychologist series. Ms. Dobel responded there were 2 positions at the Psychologist IV level, 12 at the III level, 30 at the II, and 12 at the I level.

Dr. Louis Mortillero, President of the State of Nevada Board of Psychological Examiners informed the Commissioners that the Board was asked by the Department of Personnel to examine and critically comment on the preliminary occupational study. Dr. Mortillero then provided detailed comments regarding licensure requirements including education, experience, the written examination and continuing education.

In contrast the unlicensed Psychologists only need to graduate from an accredited college or university and have post doctoral experience. These individuals are not required to conform to the American Psychological Association Ethical Codes, take continuing education units or take a national written or State oral examination.

Psychologists are more closely aligned with psychiatrists than social workers and marriage and family therapists. Thus, since psychologists and psychiatrists are closely aligned, psychologists should be placed closer to the psychiatric pay.

In summary, the Nevada State Board of Psychological Examiners recommends the following:

1. Eliminate the non-psychologist job descriptions and only hire licensed psychologists.
2. Reimburse psychologists in accord with the medical classification of psychiatrist.
3. Adopt the State Board's Code of Ethics and Conduct as well as the American Psychological Associations Code of Ethics.
4. Incorporate the various professional scope of practice definitions in the job descriptions for psychiatrists, psychologists, social workers, and marriage and family therapists.
5. Licensure requirements should be a primary consideration in determining the grade level of the doctoral classes in the occupational study group.
6. Immediately recognize the qualifications and commensurate grade levels of licensed versus non-licensed personnel.
7. No Master's level person should be hired in the psychologist job classification.

Dr. Mortillero indicated the Board would welcome an invitation to appear before the Nevada State Legislature with the Commission to make appropriate statutory changes because the Board's proposals would require such change.

Chairman Manos stated he did not believe it was within the Commission's position to take the matter before the Legislature. However, he encouraged the Board to do so with regard to upgrading licensed professionals.

Commissioner Enus requested additional explanation regarding the specific exclusion the Legislature elected to include with regard to who could be called a psychologist. Dr. Mortillero replied as the profession became more recognizable as a profession, the Legislature passed a law for licensed psychologists, but they gave an exemption to rural areas and the Department of Prisons, because of the difficulty in recruiting licensed psychologists.

Chairman Manos asked if the Board had taken the matter of the exemptions before the Legislature. Dr. Mortillero responded negatively, because there is a need for consensus with State Personnel. If the Department of Personnel did not want to do this, then the Legislature probably would not approve it.

Ms. Murphy explained the Department of Personnel did not have that power before the Legislature. She suggested the Board meet with and obtain the consensus of the agencies employing psychologists and go together to the Legislature. In order to bring about such change, the current statute must be amended because the exemption is contained in the law.

Commissioner Skaggs made a motion to approve the occupational study for Psychology and Social Science.

Commissioner Riley suggested variation of two levels, such as grades 43 and 44 for licensed psychologists and 41 and 42 for unlicensed. Chairman Manos concurred.

The motion was not seconded and failed.

Chairman Manos asked Ms. Day and Ms. Dobel why they determined the Licensed Psychologist I and II should be classified as grades 41 and 42, and at the same level as the unlicensed Psychologist III and IV.

Mary Day stated the Department of Personnel based its recommendation on the seven classification factors we always use, and an examination of the duties and responsibilities of the positions in the Psychologists, Licensed Psychologists, and Mental Health Counselor series. We found no distinction in duties. The requirements to obtain licensure as a Psychologist in the State of Nevada are different from the requirements for the Psychologist and Mental Health Counselor series; they are no less. We have historically required a greater number of years of experience in providing psychological services for individuals who do not have to be licensed in the State of Nevada.

Ms. Murphy commented that the Department of Personnel spent a considerable amount of time re-evaluating this series. Ms. Day and Ms. Dobel could not find any significant difference in the duties and responsibilities whether they were licensed or unlicensed.

Commissioner Riley's concern was the State's view of licensure of other professions, and in reviewing these categories, the Department should have seen clear differences in duties as assigned among the two professions because they are separate and distinct.

In response, Ms. Murphy stated the exemption/exception in the law allows the assignment of the same duties and responsibilities among the professions. If the exemption was not in the statutes and there was a clearly defined licensure requirement, then there would not be unlicensed psychologists.

Chairman Manos concurred with Commissioner Riley's opinion that the difference was in responsibilities. The responsibilities of a licensed psychologist is far greater than those of an unlicensed psychologist, because they are held to the standards of the licensing board. If the Commission were to recognize the grade level differential based on responsibility, we would be following Dr. Mortillero's suggestion in eventually requiring all psychologists be licensed. However, the Commission recognizes the State's need for the exemption and it is the Legislature's responsibility to change the statute.

Ms. Day stated commented that there were clinical social workers, and marriage and family therapists who are also required to be licensed, and are at the same grade level as mental health counselors who are unlicensed because the duties are very similar or the same. Those licensed individuals are also responsible to some an body that reviews the conduct of their work.

Commissioner Riley noted that there were 150 licensed mental health counselors, and asked for clarification. Ms. Dobel replied the level V had to be licensed, and the duties and responsibilities are similar to those of the licensed and unlicensed psychologist series.

Chairman Manos asked if the licensed psychologist and Mental Health Counselor V were on an equal plane. Ms. Dobel responded the Mental Health Counselor V's are doctorate level employees, and may be licensed by the Board of Psychological Examiners, the Board of Social Work, or national licensure as a mental health counselor.

Chairman Manos said licensure as a mental health counselor and a licensure by the Board of Psychological Examiners is not the same. Ms. Dobel explained that in order to receive the national licensure as a mental health counselor, candidates have to meet the requirements of other licensing boards. They have their own code of ethics and standards, similar to those of the Nevada Board of Psychological Examiners.

Commissioner Riley made a motion to change Licensed Psychologist II to grade 43 and Licensed Psychologist I to grade 42, and approve the Psychology and Social Science occupational group study. Commissioner Enus seconded the motion and it was approved. There were 3 ayes and 1 nay.

**APPEAL 1 - PSYCHOLOGY & SOCIAL SCIENCE**

*Steven Goldstein, Jerry Zadney, Brian Lech, Elizabeth Neighbors, Julius Regina, David Rockenback, Randall Stiles and Ingrid Moore*  
*Division of Mental Hygiene/Mental Retardation*

Brian Lech and Steven Goldstein were present in Las Vegas and Elizabeth Neighbors, Dave Rockenback, Jerry Zadney were present in Carson City. Ingrid Moore and Julius Rogina were not present. Since Ingrid Moore was out of the country, she asked Jerry Zadney to represent her. Julius Rogina had to leave for a prior appointment so Elizabeth Neighbors or Dave Rockenback or both would represent her.

Dr. Rockenback indicated the motion the Commission just passed addressed a large extent of their concerns; however, he requested the waiver in State law be eliminated.

Dr. Zadney indicated he should be allocated to a grade 45 because if he were not licensed, the Nevada Mental Health Institute could not collect several hundred thousand dollars per year in federal revenues. In addition, he suggested a 5% difference between licensed and unlicensed personnel because of the expense for licensing and malpractice insurance.

Commissioner Riley asked Mr. Zadney if he maintained his professional liability insurance personally although he practiced under the auspices of the State where he has sovereign immunity as a State employee. Mr. Zadney said he did not have sovereign immunity.

Brian Lech and Steven Goldstein expressed similar arguments for allocation to grade 45.

Chairman Manos explained to the appellants that the Commission recognizes the differences; however the Commission cannot set salaries.

Chairman Manos called for a motion to deny the appeals of Goldstein, Zadney, Lech, Neighbors, Rogina, Rockenback, Stiles and Moore. Commissioner Enus seconded the motion and the motion was passed unanimously to deny the appeal.

**APPEAL 2 - PSYCHOLOGY AND SOCIAL SCIENCE**

*Margaret Freese, Division of Mental Hygiene/Mental Retardation*

Margaret Freese presented her duties as being different from other Licensed Psychologists because she performs program management and research and doesn't supervise other psychologists or handle a caseload.

Alys Dobel, Personnel Analyst, Department of Personnel, explained there are other positions within the State doing similar duties to Dr. Freese who are licensed Psychologist I's and run larger programs than Dr. Freese. The distinguishing characteristic between the Licensed Psychologist I and Licensed Psychologist II is that the Licensed Psychologist II basically supervises Licensed Psychologist I's and Dr. Freese has no supervision of a Licensed Psychologist I.

Ms. Dobel presented an overhead showing a current position allocated to this level who was responsible for a psychological services unit and supervised at least one psychologist at MH/MR.

Chairman Manos pointed out to Dr. Freese that it was clear supervision of a Licensed Psychologist I was required to be a Licensed Psychologist II.

Ms. Claudette Enus moved for the appeal of Ms. Freese be denied. Commissioner Skaggs seconded the motion. The Commission unanimously denied Ms. Freese's appeal.

Dr. Freese asked where her job duties fit within the class concepts of a Licensed Psychologist I, she honestly did not see them anywhere.

In response, Chairman Manos explained she had the right to file an NPD-19 requesting the Department of Personnel to re-examine her position, but the Commission had denied her appeal.

Chairman Manos adjourned the meeting for the day at 6:24 p.m.

Meeting reconvened on October 2, 1998, at 9:45 a.m. and called to order.

### **APPEAL 3 - PSYCHOLOGY & SOCIAL SCIENCE**

*Mary Hausauer, Division of Mental Hygiene/Mental Retardation*

Mary Hausauer explained her position had changed since first studied in 1996 due to departmental restructuring. She is responsible for establishing and developing contracts for continuing care for different types of mental health services, different types of treatment homes, emergency shelter facilities and a variety of clinical services. A comparable position doing what she does, contract administration, is a Program Planner II, which she believed was a grade 40. She felt her programs have multiple service components instead of a single program component as reported by the Department of Personnel.

Alys Dobel explained that Ms. Hausauer's position is a single component to a program and presented a comparison chart showing the differences between the Mental Health

Counselor (MHC) II and III positions. In conclusion, the Department of Personnel feels that Ms. Hausauer is appropriately classified as a MHC II, grade 35.

Ms. Hausauer argued continuum care is very clinical and incredibly sophisticated; rather than housing of clients and maintaining them, because she deals with psychologists, therapists, teaching parents, etc. This is much more involved than just physical care.

Cindy Anderson, Personnel Officer at Child and Family Services, disagreed with the Department of Personnel's findings; however, could not suggest where Ms. Hausauer's position should be allocated and that Ms. Hausauer's position didn't fit the MHC III because she wasn't a supervisor. She also mentioned the possibility she fit within the Social Welfare Program Specialist series.

Ms. Dobel compared Ms. Hausauer's position to a Clinical Program Planner II, grade 41, which provides upper level administrative responsibilities to the Deputy Administrator of Northern Nevada. The component of purchase placement contracts was a smaller portion of that position.

Chairman Manos called for a motion. Chairman Skaggs motioned to deny the appeal because he felt it was appropriately classified as is. The motion was seconded by Commissioner Enus and the Commission unanimously denied the appeal of Ms. Hausauer.

Chairman Manos postponed the Psychology and Social Science appeals to allow Paula Berkley, representing the Board of Psychology, to speak again on the issue of licensed and unlicensed psychologists working in the State of Nevada. She explained the need to include "scope of practice" language in class specifications. For example, a psychologist who previously had his license revoked due to a disciplinary action could obtain a position as an unlicensed psychologist in State service. She further requested the NRS allowing this practice be revised.

Chairman Manos explained a change to NRS could not be obtained through the Department of Personnel or other agencies. Ms. Berkley would have to submit a bill draft to the Legislature to effect the change.

Commissioner Riley asked if listing "scope of practice" language was normally included in job descriptions. Carol Thomas replied job descriptions provide general duties statements to identify the nature of work and then if there is a series involved, it provides distinguishing characteristics between each level in the series and identifies key knowledge, skills and abilities that are required for that class and minimum qualifications. This job description is not used in terms of measuring performance or measuring whether someone is fulfilling the scope of practice. It's used for recruitment purposes.

Chairman Manos closed discussion on the matter and proceeded to Wendy Whipple's appeal.

**APPEAL 4 - PSYCHOLOGY AND SOCIAL SCIENCE**

*Wendy Whipple, Division of Child & Family Services*

Ms. Whipple presented her appeal explaining the programs she administers, the number of people she supervises and the additional duties she had assumed when her supervisor was promoted. She stated she supervised 3 people at her same grade level. She argued she should be classified as a Special Education Consultant working in the Department of Education because her duties were identical. Ms. Whipple further explained she spend 50% of her time administering the Early Intervention Program.

Mary Day, presented the Department of Personnel's response Ms. Whipple's appeal arguing that the work Ms. Whipple performs is at the journey level, grade 35. She writes grant proposals, participates in program review teams, and provides technical assistance. Ms. Whipple's position has been allocated to a grade 37 due to her supervision of grade 35 staff.

Chairman Manos asked for a comparison of Ms. Whipple's duties to those of Special Education Consultant, grade 39.

Alys Dobel explained the Department of Education's program serves the entire State and deals with a larger population than the program Ms. Whipple administers.

Additional discussions took place regarding the size and scope of Ms. Whipple's responsibilities and how they compared to Special Education Consultant and other Child Development Specialists.

Chairman Manos then had Ms. Whipple clarify the staffing in her office and her supervisory responsibilities.

May Day explained she understood this job was still in a state of flux. The personnel officer indicated they are in the process of reorganization. Ms. Whipple has turned in a NPD-19 and there have been numerous changes through the course of the study.

Cindy Anderson clarified that there have been program, staffing and budget changes affecting Ms. Whipple's position; however, she couldn't speak to Wendy's position assignments and that the Division did not want to take a position on her classification level at this point in time.

Ms. Enus referred to the letter received from Janelle Mulvenon, Ms. Whipple's former supervisor, in support of the reclassification, and asked whether Ms. Anderson's office had an opportunity evaluate it? Ms. Anderson replied she had not seen the letter and was not prepared to make a recommendation.

Chairman Manos again expressed concern about the fact that Ms. Whipple is supervising three people at her same grade. Ms. Thomas agreed saying she believed the Department of Personnel could work with the agency and determine the appropriate classification for Ms. Whipple.

Chairman Manos asked if that would be agreeable to Ms. Whipple and she replied it would be.

Chairman Manos asked for a motion to table the appeal.

Teo Gamboa moved to table this matter. Ms. Riley seconded the motion, and it was unanimously approved.

Ms. Enus requested the Department of Personnel report on how the issue was resolved at the next Commission meeting.

#### **APPEAL 5 - PSYCHOLOGY AND SOCIAL SCIENCE**

*Stephen Daniels, Department of Prisons*

Mr. Daniels, the Psychometrist of the Northern Nevada Correctional Center explained he was the only Psychometrist in Northern Nevada. He expressed his appreciation to Alys Dobel for her efforts of addressing the class specifications in his position. In presenting his appeal, he requested the title Psychological Associate at a grade 35 rather than grade 32 and presented a letter of support from his supervisor. In presenting his appeal, Mr. Daniels indicated he had a bachelor's degree in social psychology, 17 years experience working in the mental health field and he also had certification from the Bureau of Alcohol and Drug Abuse as a counselor. He explained that he administered, scored and interpreted a variety of psychological personality/intellectual, substance abuse and sex offender tests. His working relationship with department psychologists, in which he offers assistance in test interpretation and treatment recommendations, far exceeds the mere reporting of test results mentioned in the current job description. Additionally, he provided individual test interpretation to inmates when requested. Mr. Daniel indicated psychological testing comprised about 30% of his time and another 30% was involved in group therapy and the class specification did not cover the full scope of what he was doing.

Mary Day, Department of Personnel, presented her department's position on Mr. Daniel's appeal indicating the class specifications were revised as part of the

occupational group study and at the time the class specifications were validated, Mr. Daniels was conducting group therapy sessions approximately 10% of his time. Although the percentages had changed since the PDQ was initially completed, all of the information was taken in to consideration when the evaluation was made of this class and this position. Ms. Day also explained the agency indicated the scope of Mr. Daniels' responsibilities did not include interpretation of test results, since those duties were performed by Licensed Psychologists. In addition, the Psychological Associate title was used by the Board and required a doctorate degree.

Commissioner Enus moved for the appeal of Mr. Daniels' to be denied. Commissioner Skaggs seconded the motion. The Commission unanimously voted to deny the appeal of Stephen Daniels.

***E. Public Health Medicine & Nursing Services Subgroup***

Chairman Manos opened the appeals of the occupational study for Public Health Medicine and Nursing Services and summarized the recommendation. Chairman Manos said it was his understanding that the review of the seven appeals within this study could be handled and the occupational study recommendations would not necessarily need to be delayed prior to approval.

Shelley Blotter, Department of Personnel, provided the Commission with the grade level grids for the Nursing Services and Public Health Medicines and she gave her overview presentation in combination with discussing the grade level grids.

There being no questions from the Commission, Chairman Manos, called for a motion to approve the occupational study as a whole, reserving review of the appeals before the Commission. Mr. Gamboa moved to approve the Public Health Medicine and Nursing Services occupational group study. Mr. Skaggs seconded the motion. The Commission unanimously passed the motion and approved the Public Health Medicine and Nursing Services occupational group study as recommended by the Department of Personnel.

**APPEAL 1 - PUBLIC HEALTH MEDICINE**

***Karen Cummings and Margaret Hellman, Health Division***

Chairman Manos opened the appeal for Karen Cummings and Margaret Hellman who were appealing their allocation to Health Program Manager II, grade 39. The appellants both manage special children's clinics and were requesting reallocation to Clinical Program Manager II, grade 42, or creation of a third level in the Health Program Manager series at grade 42.

Ms. Cummings presented her position relative to pay grade and the minimum education requirements. She then presented a comparison of the First Step Program Manager from the Division of Child & Family Services who is grade 39, and also the WIC Program Manager from the Health Division who will be a Health Program Manager II, grade 39. She indicated, because of the diversity, size, complexity and high level of professionals, the clinic managers should have a minimum educational requirement of a masters degree. In addition to managing the special children's clinics programs, she also has responsibility for 24-hour facility management, supervision of children with special healthcare needs, and coordination and implementation of numerous speciality medical clinics and services in the areas of genetics, metabolic, cyno-facial, pulmonology, gastroinorology and endocrinology. The scope of responsibility and level of professionals at the Special Children's Clinics directed by the appellants' positions were clearly at a higher level than the First Step Program from DCFS or the WIC programs within the Health Division. In summary, the complexity of their programs and the high level of professionals supervised, as well as providing an appropriate grade level distinction between Bureau Chief, the appellants were requesting the Health Program Manager series be expanded to include a level III, grade 41, with a minimal educational requirement of a master's degree.

Ms. Blotter explained the Bureau Chief and the Deputy Administrator, as well another Bureau Chief, participated in the creation of the class concepts, series concept as well as the minimum education and experience requirements. This class was the Health Division's creation along with the Department of Personnel, as they worked closely together.

Commissioner Enus asked Ms. Blotter were they not supportive of the master's degree requirement. Ms. Blotter replied during the validation process, the Health Division felt it would hamper recruiting.

Mary Day explained the Health Division administrators felt this class didn't require a master's degree because what they needed were business managers. The positions have responsibility for the operation of a clinic which entailed budgeting, staffing and typical managerial-type duties.

Shelley Blotter indicated there were two issues: whether allocation should be in the Health Program Manager series or the Clinical Program Manager series and the appropriate grade. She explained the incumbents were involved in program development, implementation, evaluation, and fiscal responsibility and the Health Program Manager series was appropriate. Staffing and supervisory responsibility was one of the classification factors considered when determining grade level and the other was size and complexity of the program.

Deborah Riggs, Personnel Analyst, Health Division, explained the agency did participate in the validation of Health Program Manager I & II and concurred with the results; however, they originally requested a level III for the Special Children's Clinics.

Shelley Blotter explained that in working with the Deputy Administrator and the Bureau Chief through the validation process and in discussion of the class concepts and series concept, they could not describe any more distinctions than these two levels.

Commissioner Skaggs made a motion to deny the request for reclassification on the appeal of Ms. Cummings and Ms. Hellman. There wasn't a second on this motion.

Commissioner Gamboa made a motion to grant the appeal of Ms. Cummings and Ms. Hellman and to expand the Health Program Manager series to include a level III at a pay grade 41 with a minimal education requirement of a master's degree. Ms. Riley seconded the motion. The motion passed with 4 ayes and 1 nay.

## **APPEAL 2 - PUBLIC HEALTH MEDICINE**

*Robert Loritz, Department of Business & Industry*

Robert Loritz, Quality Assurance Program Supervisor, grade 39, appealed the grade level recommendation which was allocated to Medical Regulation Unit Manager, grade 39. Mr. Loritz asked for his level be compared to the Workers Compensation Staff Specialist II and for his position to be aligned two grades higher at grade 41.

He based his request for grade 41 allocation on similarities between his position and Community Health Nursing Manager, grade 41. He supervises 7 staff, 2 Registered Nurses, 2 Compliance Audit Investigator II's, and 3 Program Assistant III's.

Chairman Manos asked what it meant for a class to be moved to another occupational group. Shelley Blotter, Department of Personnel, explained it meant the position description did not fit within Nursing Services or Public Health Medicine.

Ms. Blotter explained, Mr. Loritz didn't manage large regional programs, there was not a large scope of professional staff, nor direct patient/client care. She further explained, Mr. Loritz' position was not comparable to the Community Health Nursing Manager which required more education and experience than was required of his position. When looking at the organization internally, it was important that Mr. Loritz' position remain at a grade 39.

Commissioner Skaggs made a motion to deny the appeal, Commissioner Enus seconded.

Mr. Loritz corrected the statement by Ms. Blotter taking disciplinary action until after a decision is made by the Nevada State Board of Medical Examiners. He also commented on the educational requirements of an advanced practitioner of nursing.

Chairman Manos called for a vote, the Commission unanimously denied Mr. Loritz' appeal.

**APPEAL 3 - PUBLIC HEALTH MEDICINE**

*Nola Haynes, Health Division*

Nola Haynes, currently a Public Health Nutritional Specialist II, grade 33, appealed her allocation Registered Dietitian II, grade 33. Ms. Haynes requested reallocation to Health Program Specialist I, grade 35.

Nola Haynes stated her position as training coordinator for the Nevada State Work Program is not represented by allocated to Registered Dietitian. She is the only State coordinator that does training, whereas the other Registered Dietician positions in the State are solely clinical in nature. Her responsibilities are to develop, implement and evaluate statewide training programs as well as serve as technical advisor and provide assistance for nutrition aids, clinical dieticians, and nurses employed in the Women, Infants and Children (WIC) supplemental food program. She also provides these services to County programs, hospitals, and boards. She stated these duties fit within the Health Program Specialist series.

Chairman Manos asked what she taught. Ms. Haynes responded she teaches the process of WIC certification, high risk nutritional criteria set by federal regulations, and general nutritional education. She explained other duties which she felt fit within the Health Program Specialist series.

Shelley Blotter, Department of Personnel, indicated Ms. Haynes' duties are described in the Registered Dietician series even though she does not perform the full range of duties described. Reading from the newly created class specification, Ms. Haynes duties are described in planning and conducting training and orientation sessions; establishing written priorities, policies and procedures; and communicating with vendors. In contrast, Health Program Specialists plan, develop, implement and evaluate statewide health services and activities. This person is independently responsible for a small program area. Ms. Haynes reports to a program manager. In addition to the program manager, there is a staff specialist at the II level that supervises Ms. Haynes position.

Carol Thomas explained the purpose of grouping hand-ons staff with trainers is the critical knowledge, skills and abilities that are required if an incumbent should leave the position. The KSA's required in the WIC program are those of dietitians and

nutritionists. In recruiting for the job, these are the skills and qualifications the WIC program will be looking for.

Chairman Manos asked for a motion. Commissioner Enus moved for the appeal to be denied. Commissioner Skaggs seconded the motion. The Commission voted unanimously to deny Ms. Haynes' appeal.

#### **APPEAL 4 - PUBLIC HEALTH MEDICINE**

##### ***Department of Human Resources***

The Department of Human Resources' appealed two positions allocated to the Director of Nursing Services series: one position at Desert Regional Center, Director of Nursing Services I, grade 40, the other located at Sierra Regional Center, Psychiatric Nurse III, grade 37. The agency requested reallocation of both positions to Director of Nursing Services II, grade 41.

Kareen Masters, representing the Department of Human Resources, presented the appeal. She argued both positions have the same responsibilities as other positions allocated to Director of Nursing Services II. The proposed II levels are responsible for 24-hour facilities, and the proposed I level is responsible for medication clinics which provide outpatient services. The Psychiatric Nurse IV didn't adequately distinguish the higher level of responsibility of a position with nursing administration responsibility for an entire facility or coordination with contract providers to provide the medical services for the residents of the facility. The Psychiatric Nurse IV is not the primary person responsible for developing policies and procedures for nursing, handling personnel management issues, interacting with other agency units, or participating in budget administration as the Director of Nursing Services would and more than a 5% distinction is warranted between those two levels.

Shelley Blotter, Department of Personnel, presented the appeal response showing the organizational structures and differences. Comparisons were made to facility type, number of beds, average daily census, annual admissions, average length of stay, and staffing.

Chairman Manos asked for a motion. Commissioner Gamboa moved to deny the appeal. Commissioner Skaggs seconded the motion. The Commission unanimously denied the appeal.

Commissioners took a 5-minute break.

**APPEAL 6 - PUBLIC HEALTH MEDICINE**

*Nicolette Sundell, Department of Prisons*

Nicolette Sundell, who has worked for 3 years as a Correctional Physician Extender at the Lovelock Correctional Center, appealed allocation to a Mid-Level Medical Practitioner, grade 39, because it was combined with Nurse Practitioners. She stated she was not a nurse and explained she is trained to perform surgical procedures, such as removal of lipoma's, foreign bodies from deep tissue and the surface of the cornea, close and open sutures, take and interpret X-Rays, build casts, reduce a fracture (fingers and toes), and dislocation, and has a pharmacy license.

Shelly Blotter explained the department recognizes there are some distinctions in the practice of an Advanced Practitioner of Nursing and a Physician Assistant. The class is not new, it was previously called Correctional Physician Extender, and was a combination class created a number of years ago at the request of the Department of Prison's to address recruitment difficulties for providing medical care in prisons across the State. The Department combined the Nursing series positions and gave its own identity, Mid-Level Medical Practitioner, and revised the class concepts to describe the provision of medical care that both positions can provide. The hiring agency has the opportunity to choose whether they want to hire an Advanced Practitioner of Nursing or a Physician Assistant, depending on the type of care provided.

There is a separate Physician's Assistant classification, currently at grade 37, and none of the State Agencies have chosen to use it because it does limit their recruitment abilities. If there were no Physician's Assistants available, then the agency would have to change the classification to an Advanced Practitioner of Nursing and rerun the recruitment. This classification is setup to allow the agencies to recruit a qualified individual from either field.

Commissioner Gamboa asked what Ms. Sundell wanted. She responded she wanted the Physician's Assistants removed from the nursing subgroup.

Carol Thomas offered an alternative if it was agreed the two disciplines were within the same grade level, the class specification could be rewritten to designate options within the Mid-level Medical Practitioner class. One option would be the Advanced Practitioner of Nursing and the other option could be the Physician's Assistant. In developing those options, there can be separate sets of duty statements; knowledge, skills, and abilities; and minimum qualifications, as opposed to the generic approach where the agency would designate what they required.

Commissioner Gamboa stated he did not have a problem with the grade level, and neither did the appellant.

Ms. Thomas stated the classification was driven upward through Legislative adjustment, and Ms. Sundell has benefitted from that. The next time the Legislative revisits the nursing series, she might not receive the benefits if the class was moved to a different sub-group. Within the Mid-level Medical Practitioner, she would have her own option called Physician Assistant.

Chairman Manos called for a motion.

Commissioner Riley's motion to grant the appeal to the extent that a new option in the class be designated between Physician's Assistant and Advanced Nurse Practitioner at grade level 39, directing the Department of Personnel to develop the knowledge, skills, and abilities, and minimum qualifications as required under those circumstances was seconded by Commissioner Gamboa and unanimously approved.

#### **APPEAL 5 - PUBLIC HEALTH MEDICINE**

##### ***Deborah Shelley, Employers Insurance Company of Nevada***

Deborah Shelley, currently a Quality Assurance Supervisor, grade 39, appealed the reallocation of her position to a Registered Nurse IV, recommended grade 36. Ms. Shelley requested reallocation to Director of Nursing Services I, grade 40. It is her responsibility to establish standards for the department, and meet accreditation standards; her supervisory responsibilities are the same for a 8-hour and as a 24-hour facility, and she provides direct client care on a relief basis. She asked that the Outpatient Physical Rehabilitation Facility be added to the class concept for the Director of Nursing Services series.

Shelley Blotter explained the subgroup was last studied 10 years ago. At that time, the position had the responsibility for two Quality Assurance Specialists who oversaw patient care, four Nurses, and five Medical Office Assistants. The incumbent was also responsible for preparing and administering the budget for the medical unit, managing the medical quality assurance program, and administering both the infection control and pain management programs. This position has changed dramatically due to the drop in patients and clients served by this particular facility and also the reductions in staffing.

Ms. Shelley is responsible for supervising two subordinate Registered Nurses, grade 34. She had stated that 30% of her time is spent supervising these two staff members. She also provides direct care 20% of the time. This position is fully described at the Registered Nurse IV level.

Commissioner Enus inquired whether the quality assurance duties had changed significantly. Ms. Blotter responded that Quality Assurance classes were completely reviewed and all positions currently allocated to that series are responsible for facility-

wide, if not statewide, health services being provided. They work in connection with the facility head to make sure quality assurance is going on. Ms. Shelley, reviews the files to ensure the medical portion is in compliance. Quality Assurance Specialist's look at the full-range of services provided at facilities. A Quality Assurance Specialist IV, grade 39, is responsible for quality assurance of all services provided to all inmates for all prisons statewide.

Chairman Manos requested a motion. Commissioner Enus moved that the appeal be denied. Commissioner Riley seconded the motion. The Commission unanimously voted to deny the appeal of Deborah Shelley.

#### **APPEAL 7 - PUBLIC HEALTH MEDICINE**

*Sandra Oberg, Employers Insurance Company of Nevada*

Sandra Oberg, currently a Rehabilitation Center Nurse II, Marketing Specialist, grade 37, is appealing her allocation to a Public Information Officer I, grade 35. The appellant requests reallocation to Registered Nurse IV due to required medical knowledge and training functions.

Shelley Blotter explained this is a marketing/public relations position. It is not a nursing position in the same sense as providing direct patient care. It was classified along with the Rehabilitation Center Nurse in that series. This is again one of those positions that has been in a class, granted incremental pay increases by the Legislature to address market concerns. The Marketing Director is responsible for Ms. Oberg in her public relations role. In addition, monitoring the Continuing Education Units (CEU's) is not necessarily a higher level function. Overseeing CEU's is accommodated over a multitude of classifications; you could be a training officer and arrange for CEU's so it doesn't necessarily have to be in a nursing classification.

Ms. Oberg stated in order for her to provide CEU's for Nurses in Nevada, the coordinator of the program is required to be licensed by the State Board of Nursing. So someone who is not a nurse cannot administer that program.

Ms. Blotter indicated other classifications can work with the Boards in order to achieve CEU's. Ms. Blotter pointed to Ms. Oberg's position description questionnaire, which indicates the minimum qualifications for her position was a degree in marketing or business and medical-based marketing experience. Vera Smith, facility administrator, was in concurrence that a nursing license was not required for this position.

Chairman Manos asked for a motion. Commissioner Skaggs made a motion to deny the appeal, seconded by Commissioner Enus. The Commission unanimously denied the appeal of Sandra Oberg.

Chairman Manos commended Ms. Day, Ms. Thomas and all the personnel analysts who made presentations and the hard work they put into these group studies.

**VIII. UNCONTESTED CLASSIFICATION ACTION REPORT**

No vote required.

**VIV. SELECTIVE CERTIFICATION**

No vote required.

A correction was made to the effective dates for the Highway Equipment Mechanic II, and Manager, Criminal Information Services from June 11, 1998 to September 17, 1997, and November 1, 1996, respectively. They were initially posted as having retroactive dates of approximately 20 days after the June 11 posting date. This statement was made to eliminate the need for a re-posting.

**X. COMMENTS BY THE GENERAL PUBLIC**

No comments.

**XI. NEXT MEETING DATE SELECTION**

Meeting to be in Las Vegas on Thursday, December 17, 1998.

**XII. ADJOURNMENT**

Meeting adjourned at 2:52 p.m. on October 2, 1998.